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July 12, 2024

Via ECF
Hon. Dale E. Ho
United States District Court
Southern District of New York

Re: Floyd's of Leadville, Inc. N/K/A Valued, Inc. v. Alexander Capital L.P., et al.
Case No. 1:22-CV-03318-DEH
Status Regarding Compliance with Court's Order

Dear Judge Ho:

I represent defendants, Ronald Barrie Clapham and Mark Leonard and write to apprise the Court of the status of the parties' compliance with your Honor's Order dated June 18, 2024 (ECF 194, the "Order").

As the Court may recall, Plaintiff and Messrs. Leonard and Clapham have been engaged in certain disputes over discovery. In compliance with the Order, Messrs. Clapham and Leonard timely provided Plaintiff affidavits setting forth their attempts to obtain documents responsive to plaintiff's requests. Plaintiff's counsel sought clarification of the affidavits and each Defendant provided second affidavits with such clarifications.

The Order further requires Mr. Clapham to produce responsive documents within three weeks of the Order. To date, Mr. Clapham has no additional responsive documents in his possession, custody or control. As previously represented to the Court and as set forth in his affidavit, Mr. Clapham, does not have access to documents stored on his former employer's computers. He has engaged David McConnell of Microtech Group, the IT service provider to ARA, the company that presently owns Mr. Clapham's former company. Though Mr. McConnell had previously told Mr. Clapham that his prior emails would be retrieved by now, they have yet to be retrieved.

Plaintiff's counsel and I, along with Bryan McKenna, met and conferred today. We have agreed that I will contact Mr. McConnell directly and report back to Plaintiff's counsel the status of the computer search and when it is expected to be completed. We have scheduled a follow-up meet and confer for next week.

[Signature Page Follows]

Respectfully submitted,


Paul Rachmuth

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